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Robert Kersten and Thomas Purvis*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ELIJAH DOUGLAS ROGERS

Plaintiff,

vs.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Case No. 3:19-cv-00503-MMD-WGC

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR SUMMARY JUDGMENT  
(SECOND REQUEST)**

Defendants, Robert Kersten and Thomas Purvis, by and through counsel, Nevada Attorney General, Aaron D. Ford, and Deputy Attorney General, Kayla D. Dorame, hereby move this Court for an extension of time to file a Motion for Summary Judgment. This Motion is made and based upon Federal Rule of Civil Procedure 6(b)(1)(A) and LR 26-3.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTUAL ANALYSIS**

This is an inmate civil rights action brought by Plaintiff Elijah Rogers (Rogers) pursuant to 42 U.S.C. § 1983. On April 26, 2021, this Court entered a scheduling order. (ECF No. 19.) The discovery cut off was set for July 26, 2021, and the dispositive motions were to be filed by August 25, 2021. *Id.* Rogers propounded discovery on Defendants on July 1, 2021, and on July 20, 2021. Because Rogers did not give the Defendants sufficient time to respond to discovery, Defense counsel arranged for telephonic conference on July 29, 2021, with Rogers. The parties agreed and stipulated to discovery

remaining open for an additional thirty (30) days to give the Defendants time to respond. (ECF No. 25.) This Court granted the parties new proposed deadlines on August 10, 2021, and the discovery deadline was extended until August 30, 2021, and the dispositive motions deadline to September 29, 2021. (ECF No. 26.) Rogers sent Defense counsel a letter wanting to discuss certain issues. The Office of the Attorney General (OAG) received that letter August 13, 2021. Defense counsel arranged for a telephonic conference on August 20, 2021. Defense counsel and Rogers discussed Roger's requesting an updated version of the documents he formally requested. Defense counsel agreed to provide those to him. Those documents were sent to Rogers on September 14, 2021. On September 15, 2021, Defendants filed a Motion for Extension of Time to file a Motion for Summary Judgment and this Court granted it on September 16, 2021.

## **II. ARGUMENT**

Defense counsel respectfully requests a thirty (30) day extension of time to file their dispositive motions from the current deadline of **November 29, 2021**, until **December 29, 2021**. Defendants provide the following information in accordance with Local Rule 26-3.

### **A. Discovery Completed**

- Plaintiff's First Set of Interrogatories- Defendant Kersten
- Plaintiff's First Set of Interrogatories- Defendant Purvis
- Plaintiff's Request for Production of Documents

### **B. Discovery that Remains to be Completed**

No additional discovery is needed in this matter.

### **C. Reasons why the Deadlines Were not Satisfied**

Defendants respectfully request a thirty (30) extension to file their dispositive motion. Defense counsel suffers from a serious medical condition and receives treatment daily and is required to work an alternate work schedule. In addition, Defense counsel has a decent size case load and has had mediation statements due, other dispositive motions, in addition to other various filings.

Dispositive motion deadline:	November 29, 2021
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Joint pretrial order (if no dispositive motions filed):	December 29, 2021
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**D. Proposed Deadlines**

Dispositive motion deadline: December 29, 2021  
Joint pretrial order (if no dispositive motions filed): January 28, 2022

**E. Good Cause Supports this Request**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

This Court should find good cause supports this request. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and will not hinder or prejudice Rogers' case. Allowing additional time will allow the parties to have a clearer understanding on the evidence obtained. The requested extension should permit the Defendants to file a well-researched and proper dispositive motion this this case.

**III. CONCLUSION**

Defendants request this Court extend the deadline for dispositive motions in this matter. Defendants assert that the requisite good cause is present to warrant the requested extension of time. The request is timely. Therefore, the Defendants request additional time, up until **December 29, 2021**, to file a dispositive motion in this matter.

DATED this 22nd day of November, 2021.

AARON D. FORD  
Attorney General

By: /s/Kayla D. Dorame  
KAYLA D. DORAME, Bar No. 15533  
Deputy Attorney General

*Attorneys for Defendants*

IT IS SO ORDERED.

DATED: November 23, 2021.

William G. Cobb  
UNITED STATES MAGISTRATE JUDGE